

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates to All Actions

DECLARATION OF GENEVIEVE M. ZIMMERMAN

1. My name is Genevieve M. Zimmerman and I am a Partner with the Meshbesh & Spence Ltd. law firm. I am a member of the Court appointed Co-Lead Counsel in the above entitled matter.
2. Attached hereto as Exhibit A is a true and correct copy of the Expert Report of Yadin David, Ed.D., P.E., C.C.E., F.A.I.M.B.E., F.A.C.C.E.
3. Attached hereto as Exhibit B is a true and correct copy of the Expert Report of Mr. William R. Jarvis, M.D., excluding Attachment C (fee schedule and contact information).
4. Attached hereto as Exhibit C is a true and correct copy of the Expert Report of Michael W. Buck, excluding personal contact information.
5. Attached hereto as Exhibit D is a true and correct copy of the Expert Report of Said Elghobashi, M.SC., Ph.D., D.SC., excluding exhibits.
6. Attached hereto as Exhibit E is a true and correct copy of the Expert Report of Jonathan Samet, M.D., M.S., excluding exhibits.
7. Attached hereto as Exhibit 1 is a true and correct copy of Augustine Medical Inc.'s 510(k) notification letter dated September 14, 1987. The document bears bates range 3MBH00047858 – 3MBH00047867.

8. Attached hereto as Exhibit 2 is a true and correct copy of 3MBH00047382-3MBH00047383.
9. Attached hereto as Exhibit 3 is a true and correct copy of portions of the Deposition of Gary Majaraj, taken in Minneapolis on January 18, 2017.
10. Attached hereto as Exhibit 4 is a true and correct copy of selections from the *Proceedings of the International Consensus Meeting on Periprosthetic Joint Infection*.
11. Attached hereto as Exhibit 5 is a true and correct copy of portions of the Deposition of Corporate Representative Al Van Duren, taken in Minneapolis on January 18, 2017.
12. Attached hereto as Exhibit 6 is a true and correct copy of portions of the Deposition of Teri Woodwick Sides, taken in Minneapolis, MN on December 8, 2016.
13. Attached hereto as Exhibit 7 is a true and correct copy of portions of the Deposition of David Westlin, taken in Minneapolis, MN on December 16, 2016.
14. Attached hereto as Exhibit 8 is a true and correct copy of portions of the Deposition of Karl Zgoda, taken in Minneapolis, MN on February 24, 2017.
15. Attached hereto as Exhibit 9 is a true and correct copy of a photograph of the warning label inside a Bair Hugger Model 200.
16. Attached hereto as Exhibit 10 is a true and correct copy of Document bearing Bates Number 3MBH00022373.
17. Attached hereto as Exhibit 11 is a true and correct copy of Document bearing Bates Number 3MBH01735812.
18. Attached hereto as Exhibit 12 is a true and correct copy of Document bearing Bates Number 3MBH01031246.

19. Attached hereto as Exhibit 13 is a true and correct copy of FDA Establishment Inspection Report dated November 17, 2010. This is a document bearing Bates Number 3MBH00048067 through 3MBH00048085.
20. Attached hereto as Exhibit 14 is a true and correct copy of Document bearing Bates Number 3MBH00132832 through 3MBH 00132834.
21. Attached hereto as Exhibit 15 is a true and correct copy of Document bearing Bates Number 3MBH00126140 through 3MBH00126142.
22. Attached hereto as Exhibit 16 is a true and correct copy of portions of the Deposition of Dr. Daniel Sessler, taken in Ohio on January 11, 2017.
23. Attached hereto as Exhibit 17 is a true and correct copy of A.T. Bernards et. al., *Persistent Acinetobacter baumannii? Look Inside Your Medical Equipment*, INFECTION CONTROL AND HOSPITAL EPIDEMIOLOGY (November 2004). This document bears Bates Number 3MBH00018429 through 3MBH00018431.
24. Attached hereto as Exhibit 18 is a true and correct copy of Document bearing Bates Number 3MBH00024633 through 3MBH00024635.
25. Attached hereto as Exhibit 19 is a true and correct copy of Document bearing Bates Number 3MBH00024678 – 3MBH00024679.
26. Attached hereto as Exhibit 20 is a true and correct copy of Document bearing Bates Number 3MBH00008941.
27. Attached hereto as Exhibit 21 is a true and correct copy of Document bearing Bates Number 3MBH00022625 through 3MBH00022662.
28. Attached hereto as Exhibit 22 is a true and correct copy of Document bearing Bates Number 3MBH00022877.
29. Attached hereto as Exhibit 23 is a true and correct copy of Document bearing Bates Number 3MBH00025006.

30. Attached hereto as Exhibit 24 is a true and correct copy of Document bearing Bates Number 3MBH01617179 through 3MBH01617181.
31. Attached hereto as Exhibit 25 is a true and correct copy of portions of the Deposition of Mark Scott, taken in Minneapolis on March 2, 2017.
32. Attached hereto as Exhibit 26 is a true and correct copy of Document bearing Bates Number 3MBH00542396 – 3MBH00542398.
33. Attached hereto as Exhibit 27 is a true and correct copy of a Power Point presentation. The document was produced in native format, and is identified as Bates Number 3MBH00630074 through 3MBH00630089. The bates numbers do not appear on the document attached to this Declaration.
34. Attached hereto as Exhibit 28 is a true and correct copy of Document bearing Bates Number 3MBH01922062 through 3MBH01922064.
35. Attached hereto as Exhibit 29 is a true and correct copy of Mark Albrecht, Robert L. Gauthier, and David Leaper, MD, ChM, FRCS, FACS, *Forced-air Warming: a source of airborne contamination in the operating rooms?* ORTHOPEDIC REVIEWS (2009).
36. Attached hereto as Exhibit 30 is a true and correct copy of Mark Albrecht, Robert L. Gauthier, MD, Kumar Belani, MBBS, MS, Mark Litchy, ME, and David Leaper, MD, ChM, FRCS, FACS, *Forced-air Warming blowers: An evaluation of filtration adequacy and airborne contamination emissions in the operating room.*, AMERICAN JOURNAL OF INFECTION CONTROL (2010).
37. Attached hereto as Exhibit 31 is a true and correct copy of Document bearing Bates Number 3MBH00031537 – 3MBH00031556.
38. Attached hereto as Exhibit 32 is a true and correct copy of portions of the Deposition of Troy Bergstrom, taken in Minneapolis on November 18, 2016.
39. Attached hereto as Exhibit 33 is a true and correct copy of P.D. McGovern, et. al. *Forced-air warming and ultra-clean ventilation do not mix*, THE JOURNAL OF BONE & JOINT SURGERY (November 2011)..

40. Attached hereto as Exhibit 34 is a true and correct copy of A.J. Legg, T. Cannon, A.J. Hamer, *Do forced air patient-warming devices disrupt unidirectional downward airflow?*, THE JOURNAL OF BONE & JOINT SURGERY (2011).
41. Attached hereto as Exhibit 35 is a true and correct copy of K.B. Dasari, M. Albrecht, and M. Harper, *Effect of forced-air warming on the performance of operating theatre laminar flow ventilation*, ANAESTHESIA (2012).
42. Attached hereto as Exhibit 36 is a true and correct copy of A.J. Legg, A.J. Hamer, *Forced-air patient warming blankets disrupt unidirectional airflow*, THE BONE & JOINT JOURNAL (2013).
43. Attached hereto as Exhibit 37 is a true and correct copy of Kumar Belani, MBBS, MS, Mark Albrecht, MStat, MBA, BSME, Paul D. McGovern, BSc, MBBS, MRCS, PGCME, FHEA, Mike Reed, MBBS, MD, FRCS, (T&O), and Christopher Nachtsheim, PhD, *Patient Warming Excess Heat: The Effects on Orthopedic Operating Room Ventilation Performance*, ANESTHESIA & ANALGESIA (2012).
44. Attached hereto as Exhibit 38 is a true and correct copy of Mike Reed, MBBS, Oliver Kimberger, MD, Paul D. McGovern, BSc, MBBS, MRCS, PGCME, FHEA, Mark C. Albrecht, *Forced-Air Warming Design: Evaluation of Intake Filtration, Internal Microbial Buildup, and Airborne-Contamination Emissions*, AANA JOURNAL (August 2013).
45. Attached hereto as Exhibit 39 is a true and correct copy of A.M. Wood, C. Moss, A. Keenan, M.R. Reed., D.J. Leaper, *Infection control hazards associated with the use of forced-air warming in operating theatres*, JOURNAL OF HOSPITAL INFECTION (2014).
46. Attached hereto as Exhibit 40 is a true and correct copy of Document bearing Bates Number 3MBH00001336 – 3MBH00001337.
47. Attached hereto as Exhibit 41 is a true and correct copy of Document bearing Bates Number 3MBH01223897.

48. Attached hereto as Exhibit 42 is a true and correct copy of B. Moretti, et. al., *Active warming systems to maintain perioperative normothermia in hip replacement surgery: a therapeutic aid or a vector of infection?*, THE HOSPITAL INFECTION SOCIETY (2009).
49. Attached hereto as Exhibit 43 is a true and correct copy of Document bearing Bates Number 3MBH00044027–28.
50. Attached hereto as Exhibit 44 is a true and correct copy of Document bearing Bates Number 3MBH00580475.
51. Attached hereto as Exhibit 45 is a true and correct copy of Document bearing Bates Number 3MBH00050770 – 3MBH0005071.
52. Attached hereto as Exhibit 46 is a true and correct copy of Document bearing Bates Number 3MBH00044027 – 3MBH00044028.
53. Attached hereto as Exhibit 47 is a true and correct copy of Document bearing Bates Number 3MBH00024733.
54. Attached hereto as Exhibit 48 is a true and correct copy of Document bearing Bates Number 3MBH00001557 through 3MBH00001564.
55. Attached hereto as Exhibit 49 is a true and correct copy of Document bearing Bates Number 3MBH00050756.
56. Attached hereto as Exhibit 50 is a true and correct copy of Document bearing Bates Number 3MBH01223923.
57. Attached hereto as Exhibit 51 is a true and correct copy of Document bearing Bates Number 3MBH00024809 - 3MBH00024815.
58. Attached hereto as Exhibit 52 is a true and correct copy of Document bearing Bates Number 3MBH01224622.
59. Attached hereto as Exhibit 53 is a true and correct copy of Document bearing Bates Number 3MBH00130429 through 3MBH00130432

60. Attached hereto as Exhibit 54 is a true and correct copy of Document bearing Bates Number 3MBH00083780.
61. Attached hereto as Exhibit 55 is a true and correct copy of Document bearing Bates Number 3MBH01211442.
62. Attached hereto as Exhibit 56 is a true and correct copy of portions of the Deposition of Mr. Paul McGovern, taken in London, U.K. on January 4-5, 2017.
63. Attached hereto as Exhibit 57 is a true and correct copy of Document bearing Bates Number 3MBH00051040.
64. Attached hereto as Exhibit 58 is a true and correct copy of portions of the Deposition of Mr. John Rock, taken in Minneapolis on November 4, 2016.
65. Attached hereto as Exhibit 59 is a true and correct copy of Document bearing Bates Number 3MBH00051252.
66. Attached hereto as Exhibit 60 is a true and correct copy of Document bearing Bates Number 3MBH00575107.
67. Attached hereto as Exhibit 61 is a true and correct copy of Document bearing Bates Number 3MBH00575251.
68. Attached hereto as Exhibit 62 is a true and correct copy of Document bearing Bates Number 3MBH00132501.
69. Attached hereto as Exhibit 63 is a true and correct copy of Document bearing Bates Number 3MBH01619270.
70. Attached hereto as Exhibit 64 is a true and correct copy of Document bearing Bates Number 3MBH00555876.
71. Attached hereto as Exhibit 65 is a true and correct copy of Document bearing Bates Number 3MBH00134035.

72. Attached hereto as Exhibit 66 is a true and correct copy of Document bearing Bates Number 3MBH00107719.
73. Attached hereto as Exhibit 67 is a true and correct copy of Document bearing Bates Number 3MBH01330587.
74. Attached hereto as Exhibit 68 is a true and correct copy of portions of the Deposition of Dr. Michelle Hulse-Stevens, taken in Minneapolis on December 16, 2016.
75. Attached hereto as Exhibit 69 is a true and correct copy of Document bearing Bates Number 3MBH00053467 – 3MBH00053472.
76. Attached hereto as Exhibit 70 is a true and correct copy of portions of the Deposition of Ms. Jana M. Stender, taken in Minneapolis on December 9, 2016.
77. Attached hereto as Exhibit 71 is a true and correct copy of Document bearing Bates Number 3MBH00024680.
78. Attached hereto as Exhibit 72 is a true and correct copy of Document bearing Bates Number 3MBH00002792.
79. Attached hereto as Exhibit 73 is a true and correct copy of Document bearing Bates Number 3MBH0125823.
80. Attached hereto as Exhibit 74 is a true and correct copy of Document bearing Bates Number 3MBH00005744.
81. Attached hereto as Exhibit 75 is a true and correct copy of Document bearing Bates Number 3MBH00042660.
82. Attached hereto as Exhibit 76 is a true and correct copy of Document bearing Bates Number 3MBH00108244.
83. Attached hereto as Exhibit 77 is a true and correct copy of Document bearing Bates Number 3MBH00544754.

84. Attached hereto as Exhibit 78 is a true and correct copy Document bearing Bates Number 3MBH02237658 – 3MBH02237678.
85. Attached hereto as Exhibit 79 is a true and correct copy Document bearing Bates Number 3MBH00050932.

Dated: April 21, 2017

/s/ Genevieve M. Zimmerman

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Respectfully submitted,

Dated: April 21, 2017

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